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FOUNDED 1866

October 30, 2015

The Honorable Reggie Govan  
Chief Counsel  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

**Re: FOIA Request for Documents in Support of FAA's Draft Environmental Assessment for the Paulding Northwest Atlanta Airport (PUJ).**

Dear Mr. Govan:

Attached to this letter is a Freedom of Information Act request I am making today on behalf of my clients for documents related to our evaluation of the Draft Environmental Assessment that the agency prepared for the Paulding Northwest Atlanta Airport. Because I know that the legal issues surrounding the FAA's proposed actions at Paulding are matters of importance to you and your office, I thought it appropriate to use this letter to transmit a copy of our request directly to you.

Thank you very much for your consideration of this matter, and in particular, any assistance you might be able to provide to expedite the agency's response.

Sincerely,

Peter R. Steenland

cc: D. Fuller



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October 30, 2015

Ms. Linda Chatman  
FOIA Coordinator  
FAA Southern Region, ASO-31  
1701 Columbia Avenue  
College Park, GA 30337

Washington, DC FOIA Service Center Coordinator  
National Freedom of Information Act Office, AFN-140  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

**Re: FOIA Request for Documents in Support of FAA's Draft Environmental Assessment for the Paulding Northwest Atlanta Airport (PUJ).**

Dear National Federal Coordinator and Ms. Chatman:

On October 22, 2015, the FAA published a notice of availability and a notice of a public hearing on a draft Environmental Assessment (DEA) for a proposed Part 139 operating certificate and related actions at the Paulding Northwest Atlanta Airport (PUJ). 80 Fed. Reg. 64,053 (Oct. 22, 2015). The DEA references or alludes to numerous documents that have not been made publicly available. Because the FAA relies upon those documents for substantiating statements made in the DEA, their availability is essential to ensure the public's informed evaluation of the DEA and the proposed action.

Pursuant to the Freedom of Information Act, 5 U.S.C. §552, we respectfully request that the following documents, including but not limited to any and all communications, letters, e-mails, notes, memoranda, directives, reports, forecasts, data, studies, and other documents, including all attachments, exhibits, and appendices thereto and any drafts thereof, be produced, as soon as possible:

1. True, accurate, and complete copies of all documents listed in "Appendix A: Relevant Documentation" of the DEA.
2. The determination referenced in Footnote 1, § 1.1, p. 1-1 of the DEA "that the use of Order 1050.1F would require substantial revisions to work already underway and it was

therefore more appropriate to continue using Order 1050.1E as primary guidance for this EA,” and all documents that form the basis for that determination.

3. True, accurate, and complete copies of all documents that support the following specific statements made in the DEA (section references noted):
  - 1.1 “the PCAA and County are co-sponsors.”
    - 1.1.1 “these new facilities have proven to be an attractive draw for owners of aircraft based at PUJ and could contribute to the growth of the Airport in the future.”
    - 1.2.1 “It is unlikely that any legacy carriers would consider adding operations to PUJ due to the proximity of the Airport to [ATL].”
    - 1.2.1 “These passengers, [would come] mainly from the northwest Atlanta Metro Area.”
    - 1.2.2 “[O]wners of based aircraft at PUJ have identified several factors that attract them to base their aircraft at PUJ.”
    - 1.2.2 “[The] activity at nearby airports such as Cartersville Airport, Fulton County Airport, and Dekalb-Peachtree Airport is expected to remain stagnant or decline ...”
    - 1.2.2 “growth is anticipated at PUJ”
4. All documents that support the FAA’s assumptions and specific understandings with respect to the following issues and statements in the DEA:
  - 1.2.1 The nature, scope, and extent of “the business model of Allegiant Airlines.”
  - 1.2.1 “the business model” of other low cost carriers.
  - 2.3.8 “Unforeseen additional demand for terminal area facilities at the Airport [] was based on requests for aircraft storage/parking received by the Airport director subsequent to issuance of the FONSI.”
  - 4.2.1 “Operations generated based on current need show that it is likely that the proposed facility would result in only minor increases (if any) of the pollutant or pollutant precursors evaluated in this analysis. This is because potential existing and future patrons would have to drive further to similar facilities

within the region and these facilities are expected to exceed their airfield capacity within the near term.”

- 4.2.3.1 “These values (GDNR-EPD 2010 emission factors) were used for all the scenarios and are expected to provide conservative emissions, as per a discussion with GDNR-EPD staff.”
  - 4.4.2.2 “Construction impacts associated with the implementation of the Preferred Alternative are anticipated to be minor temporary in nature and would be controlled through the use of BMPs.”
  - 4.6.1 “The impervious area for the Preferred Alternative would cover approximately 10.35 acres.”
  - 4.8.2.2.1 “Due to the existing topographic and vegetative buffer, the residents would not be adversely affected by light emissions, nor would the neighborhood sustain negative visual impacts.”
  - 4.9.2.2 “Paulding has an energy and natural resources supply capable of sustaining any increased demand expected in association with potential future development at the Airport or with growth-induced development in the region.”
  - 4.11.1.1 “Without commercialization of the Airport and the improvement to Airport facilities, the Airport would not be able to accommodate patrons desiring to establish, expand, or maintain aviation-related business operations in Paulding County.”
  - 4.11.1.2 “No additional aviation-related employment in the vicinity of the Airport would occur, resulting in continued lengthy commute times and reduced in-County employment opportunities for Paulding residents.”
  - 4.14.2.1 “This is because the aircraft that would utilize the facilities would require direct access to the existing taxiway, therefore avoidance is not possible.”
5. All documents that depict potential future actions in the area surrounding the Airport, including, without limitation, “crossroads community and industrial areas depicted on Figure 4.7.”<sup>1</sup>

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<sup>1</sup> The DEA suggests, in § 4.15, that Figure 4.7 depicts future actions – specifically crossroads community and industrial areas – in the area surrounding the Airport. No such areas are depicted on Figure 4.7.

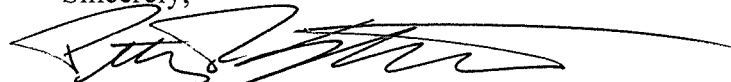
6. All documents that evidence or otherwise inform the FAA's understanding with respect to the statements that Propeller Investments "has engaged in discussions with carriers regarding potential commercial service at the Airport; the development of aviation-related businesses is also being pursued."
7. The cited "*Conditional Approval of the Airport Layout Plan (ALP) Set*, Federal Aviation Administration letter to Blake Swafford, October 7, 2008." (See DEA Fn. 13, § 1.2.3, p. 2-2).
8. The referenced 2013 ALP submittal to the FAA and the FAA's subsequent approval of same. (See DEA § 1.2.3, p. 2-2).
9. The Paulding Airport Feasibility and Site Selection Study (2004). (See DEA Fn.12, § 1.2.3, p. 2-2).
10. The CD of all modeling files for EDMS and ACEIT (See DEA Appendix K, p. 29).
11. All data that supports the noise analysis, including but not limited to: tracks, traffics, aircraft stage length, aircraft assignment, and day/night time assignments. (See DEA § 4.10).

Because these documents should be made readily available to the public to ensure a meaningful opportunity for public review and comment, it is especially important that the FAA comply with its obligation to make these materials reasonably available within the time allowed for comment. 40 C.F.R. § 1502.21. In the interest of time, we ask that you send us documents as they are available for release, but no later than Friday, November 13, 2015.

As the requested material is critical to the integrity of the public review process, we believe that there should be no costs associated with this request. However, if FAA can justify charging for costs associated with this request, we guarantee payment up to \$500.00 for such

costs. We are classified as "commercial" under your fee schedule. Please notify us in advance if charges are expected to exceed \$500.00.

Sincerely,



Peter R. Steenland

R. Govan  
D. Fuller  
L. Favors